

CAUSE NO. PD-0967-17

PETER ANTHONY TRAYLOR	§	IN THE COURT OF	FILED
	§		COURT OF CRIMINAL APPEALS
VS.	§	CRIMINAL APPEALS	11/15/2017
	§		DEANA WILLIAMSON, CLERK
STATE OF TEXAS	§	OF TEXAS	

**APPELLANT’S REPLY TO STATE’S RESPONSE TO
APPELLANT’S MOTION FOR REASONABLE BAIL
PENDING FINAL DETERMINATION ON APPEAL**

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes Peter Anthony Traylor, Appellant in the above styled and numbered cause, and tenders this reply to the *State’s Response to Appellant’s Motion for Reasonable Bail Pending Final Determination on Appeal* filed on November 9, 2017, and in support thereof shows the following:

First, the State contends Appellant’s conviction was not reversed but rather simply reformed. The precise language of the 13th Court of Appeals is as follows: “We **reverse** the Trial Court’s judgment convicting Traylor of first-degree burglary and render a judgment of acquittal on that charge and render judgment convicting Traylor of second-degree burglary, and we remand for proceedings consistent with

this opinion.” *See Traylor v. State*, ___ S.W.3d ___, No. 13-13-00371-CR, 2017 WL 3306357, at *1 (Tex. App.—Corpus Christi-Edinburg Aug. 3, 2017). In order to render the judgment convicting Traylor of second-degree burglary, the 13th Court of Appeals was first required to reverse the judgment of conviction on the first-degree burglary charge. Without that reversal the 13th Court of Appeals would have been unable to simply reform the judgment to reflect a conviction on the second-degree burglary charge. Therefore, Appellant is entitled to bail under Article 44.04(h) of the Texas Code of Criminal Procedure.

Second, the State submits to this Court that the Trial Court set Appellant’s bond following the first trial ending in a mistrial at \$500,000.00. (State’s Response at Page 2). The State apparently forgot to mention that this \$500,000.00 bond authorized by the Trial Court was not a cash or surety bond but rather a mere personal bond, not only not requiring Appellant to pay even \$1.00 but being secured by nothing more than Appellant’s signature and promise to appear at Court. (CR—167, RR1.5—11-13) The State has pointed out the Appellant did post (by signing) the personal bond in the amount of \$500,000.00. (CR—167) However, what this Court ought to notice is the State’s failure to provide even one instance of Appellant

violating that personal bond in any manner. This means Appellant apparently appeared at all required court settings and abided by all conditions of bond as set by the Trial Court, both of which supply compelling reasons to authorize bail for Appellant at this point in the case. Moreover, Counsel for Appellant must point out that the \$3,000.00 bail proposed in his *Motion* was intended to be classified as cash or surety, meaning, in fact, that Appellant would be required to secure more money to post the \$3,000.00 bail requested now than Appellant was required to secure when he posted the \$500,000.00 personal bond following the mistrial. Counsel for Appellant joins Counsel for the State that the same \$500,000.00 personal bond previously authorized by the Trial Court Judge following the mistrial is sufficient for Appellant to post pending final determination of his appeal. Therefore, Counsel for Appellant requests either a \$3,000.00 cash/surety bond or a \$500,000.00 personal bond on behalf of Appellant.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court set bail pending final determination of this appeal in the amount of \$3,000.00 cash/surety or require Appellant to execute a personal bond in the amount of up to \$500,000.00.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on November 14, 2017, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Collin County, Texas, by electronic delivery.

/s/ Marc J. Fratter

Marc J. Fratter